

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re	:	Chapter 11
	:	
W.R. Grace & Co., <i>et al.</i>	:	Case No. 01-01139 JKF
	:	
Debtors.	:	

**CERTAIN PLAN OBJECTORS’ NOTICE OF COUNTER-COUNTER  
DESIGNATIONS FOR PHASE II OF THE CONFIRMATION HEARING  
WITH RESPECT TO THE DEPOSITION OF RICHARD FINKE (MAY 13, 2009)**

The undersigned parties (collectively, “Certain Plan Objectors”), by and through their respective undersigned attorneys, in response to The Plan Proponents’ Objections and Counter-Designations to the Objecting Parties’ and Arrowood Indemnity Company’s Phase II Designations (D.I. 22903)<sup>1</sup> and to the Plan Proponents counter-designations with respect to the transcript of the deposition of Richard Finke, taken on May 13, 2009 (the “Deposition Transcript”), hereby counter-counter designate the attached excerpts from the Deposition Transcript, which may be offered in evidence in connection with Phase II of the Confirmation Hearing in this matter, pursuant to Rule 32 of the Federal Rules of Civil Procedure. Certain Plan Objectors reserve the right to use any part of the Deposition Transcript, even if it is not designated, for the purpose of contradicting or impeaching testimony given by the deponent as a witness. Certain Plan Objectors further reserve the right to call the witness at trial to supplement the deposition testimony designated herein.

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<sup>1</sup> Any objections to the Plan Proponents’ counter-designations will be filed separately from this counter-counter designation of deposition testimony.

In addition to those portions of the Deposition Transcript previously designated, Certain Plan Objectors hereby counter-counter designate the testimony located at: Page 69, lines 10 to 11. An excerpted copy of the Deposition Transcript is attached as Exhibit "A" hereto, with the portions counter-counter designated by Certain Plan Objectors marked in orange.

Dated: August 24, 2009  
Wilmington, Delaware

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